

License Types

Placing displays and improvements within the public rights-of-way for private purposes are subject to standards established by the City Municipal Code. Two types of licenses exist for such uses:

1. **Permanent Feature License Agreement.** Revocable License Agreement applications requesting the placement of apparatus, facilities, posts, any structural element of a building extending into the right-of-way or other permanent physical features shall be subject to review and approval of a Revocable License Agreement acted on by the City Council at a regular or special meeting. Applications proposing cafe sidewalk seating are classified as a Permanent Feature License Agreement.
2. **Administrative Use License Agreement.** A Revocable License Agreement application proposing the placement of merchandise, displays, racks, sandwich boards or other features that are temporary in nature, are subject to administrative approval by the City Manager.

Insurance Requirement

Insurance and Indemnification. The licensee/property owner agrees to indemnify, defend, and save harmless the city, its officers, agents, and employees, against any and all claims for personal injury or property damage, including reasonable attorney's fees arising out of or connected in any way with the licensee's use of the public right-of-way. The Licensee shall obtain and maintain in force comprehensive general liability policy of at least one million dollars covering the Licensee's operation on the sidewalk. Such insurance shall name the City as an additional insured.



City staff is available to help clarify any questions regarding the present use of the downtown sidewalks or with any questions regarding License Agreements.

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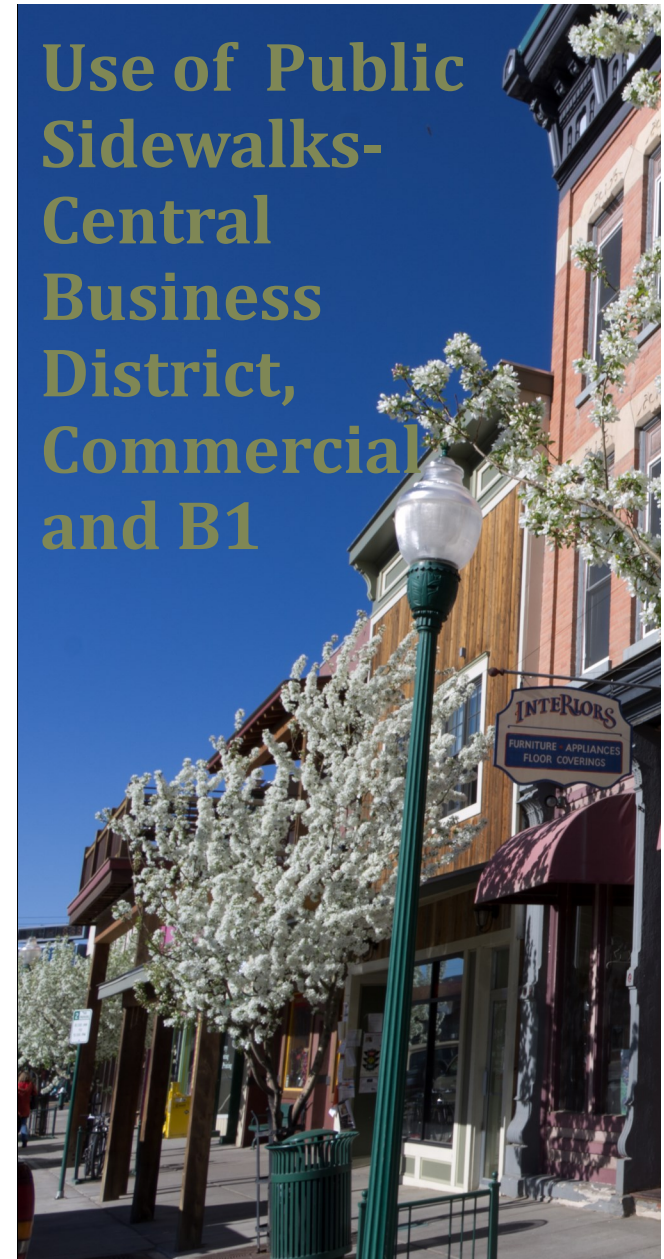
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Use of Public Sidewalks- Central Business District, Commercial and B1



City of Gunnison

Use of Public Rights-of-Way for Private Purposes

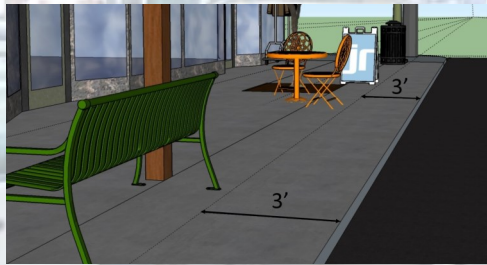
General Standards

1. **Accessway.** A minimum six foot wide clear and continuous pedestrian corridor shall be maintained. The accessway shall, in most cases, be located between the property line and any irrigation ditch located within the right-of-way. No clear and continuous accessway shall be located within the curb clearance area. Horizontal transitions of the accessway should be uniform



and should not exceed three feet over a linear distance of eight feet.

2. **Curb Clearance.** Proposed uses shall be arranged and conducted in a manner to maintain a minimum three feet of clear distance from the curb edge. Placement of items shall not create a physical impediment greater than 15 feet in length that prevent pedestrian movement.



3. **Americans with Disabilities Act Standards.** Any use of public rights-of-way for private purposes shall fully

comply with the Americans with Disabilities Act (ADA).

4. **Vertical Clearance.** A minimum seven feet of vertical clearance distance from the sidewalk grade shall be maintained.
5. **Sound System Noise Level.** The maximum noise level for any sound system equipped with speakers shall not exceed 60 decibels.
6. **Electric Cords or Other Tripping Hazard.** The use of electric cords or other features that could create a tripping hazard, are prohibited.

Merchandise Display Standards

1. Merchandise displays located on public sidewalks shall be contained in no more than two display clusters per business frontage.
2. The aggregate maximum coverage area of displays shall be 35 square feet of the sidewalk surface area directly adjacent to the business store front.
3. Alternative configurations may be considered if General Standards are satisfied.
4. Merchandise displays shall be removed after business hours.
5. Placement of merchandise displays provide adequate means for emergency egress and ingress from any adjacent building.

How to Obtain a License Agreement

Minimum Application Contents. All Revocable License Agreement applications shall include, at a minimum, the following information and materials.

1. **Name, Street and Mailing Address, Telephone Number, and Representative**
2. **Legal Description.** The legal description and street address, if such exists, of the property on which the improvement is to be located.
3. **Disclosure of Ownership.** A disclosure of ownership of the property to which the application applies.
4. **Vicinity Map.** An eight and one-half inch by 11inch vicinity map locating the subject property within the City of Gunnison.
5. **Written Description.** A written description of the proposal and an explanation in written, graphic or model form.
6. **Plan View and Elevation Drawing.** Any license application proposing to develop a Permanent Feature within public rights-of-way shall provide a scaled plan view (map) and elevation drawing depicting the feature, the continuous and clear accessway, and any other permanent feature located on the sidewalk adjacent to the business front.

Process. Five stages comprise the process for the use of public rights-of-way for private purposes as described below.

1. **Pre-Application Conference.** The licensee is encouraged, but not required to meet with the Community Development Department staff prior to the submittal of a Revocable License Agreement application.
2. **Application Submittal.** The licensee must provide a complete application to the Community Development Department prior to formal review.
3. **Staff Review.** The Community Development Director or an assigned designee will review the application within five working days of the application submittal. Upon review completion, the Community Development Department shall notify the applicant of any omissions or required additional information.
4. **Decision.** All Permanent Physical Feature license applications shall be submitted to and discussed by the City Council at a work session, prior to scheduling any action at a regular meeting. Administrative Use License Agreement shall be approved by City Manager or designee.
5. **Post Decision Actions.** All uses of public rights-of-way for purposes that are subject to license application review shall be memorialized through the execution of a Revocable License agreement defining the terms by which the licensee shall comply.

Café Seating Regulations—Please call the Community Development Department at 970-641-8090.